

**TOWN COUNCIL – June 16, 2014**  
**CONDITIONS OF APPROVAL**

55 Los Gatos-Saratoga Road  
Conditional Use Permit U-13-018

Requesting approval of a Conditional Use Permit for a quality restaurant with a separate bar and full alcohol service on property zoned CH:PD. APN 529-23-007.  
PROPERTY OWNER/APPLICANT: 55 Partners, LLC

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL. This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved by the Town Council on June 16, 2014, and noted as received by the Town on May 15, 2014. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Planning Commission or the Town Council, depending on the scope of the changes.
2. EXPIRATION. The Conditional Use Permit approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval is used prior to expiration.
3. TOWN INDEMNITY. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
4. LAPSE FOR DISCONTINUANCE. If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year the approval lapses.
5. USE. The approved use is a quality restaurant with full alcohol service. If a different type of restaurant is proposed in the future, the CUP shall be amended.
6. TO GO WINDOW. There shall be no To Go Window.
7. SEATING. The maximum number of seats is 82 inclusive of the restaurant, dining bar, breakfast room and the outdoor patio. A maximum of up to 22 seats are allowed on the patio.
8. HOURS OF OPERATION. Maximum hours of operation are as follows:
  - a. 11:00 a.m. to 11:00 p.m., Monday through Thursday
  - b. 11:00 a.m. to 11:30 p.m. Friday
  - c. 9:00 a.m. to 11:30 p.m. Saturday
  - d. 9:00 a.m. to 11:00 p.m. Sunday
9. BAR SIZE. The length of the bar shall not exceed 24 feet.
10. ALCOHOL SERVICE. Alcoholic beverage service is allowed in the restaurant dining room and dining bar, and outdoor patio, only in conjunction with meal service. Alcohol service shall cease 30 minutes prior to closing within the restaurant and at 10:00 p.m. on the outdoor patio.

11. **ALCOHOLIC BEVERAGE POLICY.** The applicant shall comply with any new requirements in the Town's Alcoholic Beverage Policy within six (6) months of the date of the change in policy.
12. **ABC PERMIT.** A permit for service of alcohol shall be obtained from the Department of Alcoholic Beverage Control prior to service of alcohol.
13. **OUTDOOR PATIO.** An enclosure shall be installed for the outdoor patio if alcohol service will be available to patrons dining in this area. The design of the enclosure shall be consistent with the Commercial Design Guidelines and compliant with ABC requirements.
14. **DELIVERY HOURS.** Deliveries shall occur between 9:00 a.m. and 7:00 p.m., Monday through Saturday. Delivery hours shall be coordinated between the uses on the property and shall not conflict with the operation of schools in the area.
15. **LIVE ENTERTAINMENT.** No live entertainment or amplified music is allowed.
16. **ONE YEAR REVIEW.** The Planning Commission shall review the Conditional Use Permit within one year from final occupancy to evaluate the success of the conditions of approval, any compliance matters, and to determine if modifications to the conditions are needed. This review shall be noticed as a public hearing.
17. **BUSINESS LICENSE.** A business license must be obtained from the Town prior to the commencement of use.

*Building Division*

18. **EXTERIOR STAIRS.** The exterior stairs accessing the restaurant patio shall meet all applicable Codes.
19. **PERMITS REQUIRED.** A Building Permit shall be required for the any alterations to the restaurant space. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
20. **CONDITIONS OF APPROVAL.** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
21. **SIZE OF PLANS.** Four sets of construction plans, maximum size 24" x 36".
22. **TITLE 24 ACCESSIBILITY – COMMERCIAL.** For any proposed tenant improvements, on-site parking and general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, accessibility to building entrances from parking facilities and sidewalks. The building shall be upgraded to comply with the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design Architect and then confirmed by Town staff.
23. **APPROVALS REQUIRED.** The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: Suzanne Avila (408) 354-6875
  - b. Santa Clara County Fire Department: (408) 378-4010
  - c. County Environmental Health Department: (408) 885-4200

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

*Engineering Division*

24. **TRAFFIC IMPACT MITIGATION FEE.** The developer shall pay a fee proportional to the project's share of transportation improvement needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The fee shall be paid before the building permit is issued. The traffic impact mitigation fee for this project, using the current fee schedule and the preliminary plans is \$44,502.72. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application, using a trip generation rate based on quality restaurant use.
25. **OUTDOOR TRASH ENCLOSURES.** Outdoor trash enclosures shall be covered and provided with area drains connected to the sanitary sewer per current NPDES requirements. Temporary trash enclosures are exempt from this condition.
26. **GREASE TRAPS.** Meet all requirements of the Santa Clara County Health Department and West Valley Sanitation District for the interception, separation or pretreatment of effluent.

TO THE SATISFACTION OF THE POLICE CHIEF:

27. **UNIFORMED SECURITY.** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
28. **CONSULTATION AND TRAINING.** At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
29. **TRAINING MANUAL.** The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
30. **DESIGNATED DRIVER PROGRAM.** The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
31. **POSTING OF TAXICAB TELEPHONE NUMBERS.** Taxicab telephone numbers shall be posted in a visible location.